

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

WP(C) No.2079/2025
CM No. 4736/2025

Date of Pronouncement:-15.09.2026

Uploaded on:-15.09.2026

1. Union of India Th. Its Petitioner(s)
Secretary to Govt. of India, Ministry of Defence,
South Block, New Delhi;
2. Additional Director General Personnel Services,
Adjutant General's Branch, Integrated HQ of Ministry of
Defence (Army), DHQ PO, New Delhi;
3. Principal Controller of Defence Accounts (Pension),
Draupadi Ghat, Allahabad, Uttar Pradesh.

Through :- Mr. Vikas Sharma, CGSC
(Through Virtual Mode)

v/s

Smt. Sonia Rani Wd/o No. 2689899W Late GDR Sudesh Respondent(s)
Kumar, R/o Village Pakhian, P/O Kangrel, Tehsil & District,
Jammu.

Through :- Mr. P. L. Sharma, Advocate with
Mr. Prabhat Sangotra, Advocate

**CORAM: HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE SHAHZAD AZEEM, JUDGE**

ORDER(ORAL)

01. Impugned in this petition filed by the Union of India under Article 226 of the Constitution of India is an order and judgment dated 15.12.2022 passed by Armed Forces Tribunal, Regional Bench Srinagar, Jammu, [*the Tribunal*] in O.A. No.204/2021 titled "*Smt. Sonia Rani Vs. Union of India & Ors.*", whereby the tribunal has, while relying upon the judgment passed by Hon'ble Supreme Court in case of '*Sukhvinder Singh Vs. Union of India, (2014) 14SCC 364*, allowed the O.A and treated the disability of the husband of the respondent at the minimum of 20% and held him entitled to disability pension in the light of opinion rendered by the medical authority that disability was

aggravated due to stress and strain of military service. The judgment impugned is challenged by the petitioner, primarily, on the ground that the tribunal has not taken into consideration that the decision of the medical board with regard to the disability is not final and can be reviewed by the competent medical authority at the instance of P.C.D.A.(P).

02. Having heard learned counsel for the parties at length and perused the record, we are of the considered opinion that the medical opinion rendered in the case of the deceased-husband of the respondent is clear and categorical that the disability “**Diabetes Mellitus Type-II**” is one, which is aggravated due to stress and strain of the military service. It is true that the medical authority assessed the disability of the of the deceased-husband of the respondent at 11-14% for life, yet in view of the fact that the tenure of the deceased-husband of the respondent was truncated due to the disability, the disability has to be taken at minimum of 20%. This is also in consonance with law laid down by the Hon’ble the Supreme Court in the case of **Sukhvinder Singh** (supra).

03. That apart, this Court has in WP(C) 3173/2023 alongwith batch of matters, decided on 03.11.2025, taken the view that the disability “**Diabetes Mellitus Type-II**” is a disability, which is aggravated due to stress and strain of the military service.

04. In view of the aforementioned settled legal position, we find no merit in this petition and same is, accordingly, **dismissed**, alongwith connected application.

(Shahzad Azeem)
Judge

(Sanjeev Kumar)
Judge

JAMMU
15.09.2026
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